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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION**

**KATHRYN DUNLAP and JAMES
DUNLAP,**

Plaintiffs,

v.

THOMAS J. VILSACK, in his official capacity as U.S. Secretary of Agriculture; and **ZACH DUCHENEAUX**, in his official capacity as Administrator, Farm Services Agency,

Defendants.

Civil Action No.2:21-cv-00942-SU

DEFENDANTS' STATUS REPORT

In accordance with the Court's September 21, 2021 Order, ECF 42, Defendants respectfully submit the following status report:

1. Plaintiffs in this action challenge Section 1005 of the America Rescue Plan Act of 2021. Because Plaintiffs are members of a class certified by the Court in the first-filed of these challenges, *Miller v. Vilsack*, Case No. 4:21-cv-595 (N.D. Tex.), Defendants moved for—and the Court granted—a stay of this action pending resolution of the *Miller* litigation. ECF 42 at 5.
2. The *Miller* class litigation remains ongoing. Plaintiffs and Defendants previously filed cross-motions for summary judgment on March 11, 2022, but the intervention of additional parties has reset the summary-judgment schedule. The parties are currently scheduled to complete summary-judgment briefing by August 2, 2022.
3. Because the *Miller* case is still pending, and Plaintiffs remain members of the class certified in that case, the interests of judicial efficiency weigh in favor of continuing the stay.

DATED: June 21, 2022

Respectfully submitted,

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/s/ Alexander V. Sverdlov

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